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LETTER DATED 16 MARCH 1994 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to enclose herewith a letter addressed to you by the President of the Republic of Croatia, Mr. Franjo Tudjman, concerning the expiration of the mandate of the United Nations Protection Force (UNPROFOR) in the Republic of Croatia.

I would ask for your kind assistance in distributing this letter and its annex as a document of the Security Council.

(Signed) Vladimir DROBNJAK
Charge d'affaires a.i. of the
Permanent Mission of the
Republic of Croatia to the
United Nations

Annex

Letter dated 16 March 1994 from the President of the Republic of Croatia to the Secretary-General

On 31 March 1994 the existing mandate of the United Nations Protection Force (UNPROFOR) will expire, leaving the Security Council with the option of extending it for an additional period of six months. The Republic of Croatia praises the United Nations soldiers and civilian personnel for all of the efforts they have made in their difficult mission of peace in Croatia. We are grateful for their devoted humanitarian effort, which has helped many citizens of Croatia, and we deeply regret the casualties which the international forces have suffered in their brave task.

The Republic of Croatia is once again ready to accept prolongation of the UNPROFOR mandate on its territory, considering the pivotal role of UNPROFOR in the overall peace process. However, in making its final decision regarding the renewal of the UNPROFOR mandate, the Government of Croatia must raise the question of the necessity of improving UNPROFOR's performance.

Full implementation of all relevant Security Council resolutions remains the most essential, yet still unfulfilled task of UNPROFOR. With more than 16,000 United Nations peace-keeping troops deployed in Croatia, and considering the precise goals inscribed in the Vance plan (S/23280, annex III), it is difficult to accept the inefficiency of UNPROFOR performance in Croatia. The uncooperative and hostile behaviour of militant Serbian insurgents in the United Nations Protected Areas (UNPAs) certainly is a cause of considerable difficulties for UNPROFOR, but they should not be permitted to impede the implementation of any Security Council resolutions.

Security Council resolution 871 (1993) of 4 October 1993 remains the foundation for any future UNPROFOR action in Croatia, as well as the overall framework for initiating the process of the peaceful reintegration of the UNPAs into the legal and economic system of the Republic of Croatia. Croatia stresses in particular the importance of paragraphs 4 and 5 of Security Council resolution 871 (1993). The full normalization of the position of the international community towards the Federal Republic of Yugoslavia (Serbia and Montenegro) must be preconditioned on the sincere cooperation of its Government in the full and prompt implementation of the United Nations peace-keeping plan for the Republic of Croatia. This includes the provisions of the plan concerning the demilitarization of the UNPAs, as well as the recognition of the Republic of Croatia within its internationally recognized borders.

In dealing with the question of the UNPAs, the Republic of Croatia would like to recall General Assembly resolution 48/122 of 20 December 1993 entitled "Human rights and terrorism". Actions of the Serbian insurgents in the UNPAs can clearly be characterized as terrorist acts, aimed at the destruction of human rights, threatening the territorial integrity of the Republic of Croatia, destabilizing the legitimately constituted Government of Croatia, undermining a pluralistic civil society and having serious consequences on the economic and social development of Croatia.

Therefore, we call upon the Security Council to consider, in its future deliberations on the problems of the UNPAs, the hostile actions of the Serbian insurgents to be acts of terrorism.

The Republic of Croatia remains fully committed to the peace process, and it is ready to cooperate further with UNPROFOR in the fulfilment of its difficult mandate. Besides Security Council resolutions, the major guideline in our approach towards the achievement of a peaceful settlement in the Republic of Croatia remains the European Union Action Plan. Croatia is dedicated to remaining an element of stability and security in the region, in close cooperation with the United Nations. At the same time, I must once again emphasize the extreme importance of successful implementation of all the relevant Security Council resolutions for the rapid and peaceful reintegration of the UNPAs into the legal and political system of the Republic of Croatia. This is the only guarantee for peace and stability in the region.

In order to facilitate future UNPROFOR performance, and considering the situation on the ground, I am enclosing a series of goals and actions which Croatia considers to be necessary for the success of the renewed UNPROFOR mandate.

(Signed) Franjo TUDJMAN
President of the Republic of Croatia

Appendix

The Republic of Croatia considers that UNPROFOR should focus on the following in its renewed mandate:

(a) Ensuring respect for the sovereignty and territorial integrity of the Republic of Croatia, as emphasized in Security Council resolutions 815 (1993) of 30 March 1993, 820 (1993) of 17 April 1993, 847 (1993) of 30 June 1993 and 871 (1993) of 4 October 1993. Croatia finds it necessary that the Security Council authorize the following actions:

(i) The imposition, in accordance with Security Council resolution 769 (1992) of 7 August 1992, of firm control over the international borders of the Republic of Croatia that form the boundaries of the UNPAs, thus preventing Serbian insurgents from violating them;

(ii) The immediate restoration of the authority of the Republic of Croatia in the so-called "pink zones", beginning with the Drnis area. The town of Drnis is the largest settlement in the so-called "pink zones", with the following pre-war population structure: total population, 24,169; Croats, 18,732; Serbs, 4,974; Muslims, 21; others, 442. It is necessary to recall that the so-called "pink zones" were established with the consent of the Government of Croatia as a temporary measure, and that they are not considered as parts of the UNPAs (see S/24188);

(iii) The improvement of the control mechanisms for the full implementation of Security Council resolution 820 (1993), taking into consideration the Security Council decision that all import to, export from and transshipment through UNPAs in the Republic of Croatia shall be permitted only with proper authorization from the Government of Croatia;

(iv) Croatia requests the Security Council to authorize UNPROFOR to take control of the Djeletovci oil field, which is situated in the UNPA East (see S/25703). Any further exploitation of this oil field and transportation of the oil into the Federal Republic of Yugoslavia (Serbia and Montenegro) is not only a clear violation of resolutions 757 (1992) of 30 May 1992, 787 (1992) of 16 November 1992 and 820 (1993), but also a criminal act against property of the Republic of Croatia.

(b) Restoring the communication and transportation facilities throughout the UNPAs and connecting them to the other parts of the Republic of Croatia:

(i) Priority must be given to the measures inscribed in paragraph 8 of Security Council resolution 871 (1993), particularly concerning the opening of the railroad between Zagreb and Split and the highway between Zagreb and Lipovac, securing the uninterrupted traffic across the Maslenica strait and the opening of the Adriatic oil pipeline;

(ii) In addition to the aforesaid measures, Croatia is looking for the immediate reopening of the Klisa airport near the town of Osijek, which is of the utmost importance for the normalization of civilian life in the area of Osijek;

(c) Initiating the process of the return of refugees and detainees throughout the so-called "pink zones" and the UNPAs. Regarding the significance of this process, two important points should be considered:

(i) The recognition of the relevance of the 1991 census as basis for the final political settlement of the UNPAs. Since the outbreak of war in 1991, the Croat population that formerly inhabited the area has been ethnically cleansed by Serbian insurgents. According to the 1994 United Nations Population and Vital Statistics Report, 1/ in the 1991 census in the Republic of Croatia there were 4,784,256 inhabitants. The 1991 census registered 536,370 inhabitants in the entire territories that are presently known as UNPAs; 48.2 per cent out of this number were Serbs, 38.2 per cent were Croats and 13.6 per cent were members of other nationalities and minority groups. According to the 1991 census, the total population of the areas presently known as "pink zones" was 68,971; 49.1 per cent were Serbs and 47.1 per cent were Croats;

(ii) The selection of 50 settlements in the so-called "pink zones" and UNPAs as a starting-point and a model for the process of the return of refugees and displaced persons. The Government of Croatia is ready to cooperate closely with the United Nations and relevant humanitarian agencies in this process, bearing in mind the political sensitivity of this action and its possible consequences;

(d) Effectively disarming the Serbian insurgents in the so-called "pink zones" and UNPAs in accordance with the Vance plan and Security Council resolution 802 (1993) of 25 January 1993, as an essential condition for maintaining peace and stability in the area. UNPROFOR should draw upon its positive experience in removing heavy Serbian armament from the vicinity of Sarajevo. The credible threat of force has proved to be the most efficient way to deal with the Serbian aggression. Therefore, Croatia urges the Security Council to authorize the necessary use of force in achieving the aforesaid goal, and proposes the following:

(i) Complete control by UNPROFOR of the Udbina airfield, which is being used by the Serbian insurgents for launching their hostile air attacks against targets on the territory of the Republic of Croatia and the Republic of Bosnia and Herzegovina (see S/1994/241);

(ii) The extension of the relevant provisions of Security Council resolution 816 (1993) to the airspace of the Republic of Croatia so as to enable the North Atlantic Treaty Organization (NATO) aircraft monitoring the no-fly zone to enter Croatian airspace if they are in pursuit of aircraft which are violating the no-fly regime;

(e) Protecting fully the human and minority rights throughout the UNPAs:

(i) Croatia requests that the Security Council, in coordination with the Conference on Security and Cooperation in Europe, immediately deploy human rights monitors on a long-term basis throughout the UNPAs. Such a measure should provide necessary assurances that human and minority rights of all Croatian citizens in the UNPAs, regardless of their ethnic background, will be closely monitored and protected;

(ii) Croatia calls for the speedy beginning of the prosecution of war criminals from the territory of the former Yugoslavia. Furthermore, Croatia urges the United Nations to pursue the excavation of the mass-grave site at Ovcara, near Vukovar, in the UNPA Sector East;

(f) Initiating international cooperation and assistance to alleviate the consequences of war in Croatia. Economic help and industrial reconstruction of the part of the country devastated by war and subsequent occupation by the Serbian insurgents is of utmost importance for the success of the overall peace process. We therefore propose that the Secretary-General commence preparatory activities to organize an international conference for assistance in the post-war reconstruction of the Republic of Croatia, bearing in mind the relevant resolutions of the General Assembly (resolutions 47/166 of 18 December 1992 and 48/204 of 21 December 1993).

Notes

1/ Population and Vital Statistics Report: Data Available as of 1 January 1994, Statistical Papers, Series A, vol. XLVI, No. 1 (ST/ESA/STAT/SER.A/188).